

REMARKS/ARGUMENTS

Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and discussion below.

Applicant gratefully acknowledges the examiner's withdrawal of the restriction requirement set forth in his previous Office Action.

Applicant also gratefully acknowledges the examiner's allowance of claims 1-8, 21-26, 74, 75 and 94-105. The examiner appears to have incorrectly indicated that claims 74 and 75 are rejected. Moreover, because claims 76-84 depend directly from independent claim 74, Applicant respectfully submits that claims 76-84 are also allowable. In addition, the examiner objected to claims 18, 60 and 61 as being dependent upon a rejected base claim, but indicated the claims would be allowable if rewritten in independent form herein, including all of the limitations of the base claim. Accordingly, Applicant respectfully submits that claims 1-8, 18, 21-26, 60, 61, 74-84 and 94-105 should stand allowed.

The examiner rejected claims 9 and 85 under 35 U.S.C. §102(b) as being anticipated by a publication entitled "An Experimental Multiple Barbed Suture For The Flexor Tendons Of The Palm And Fingers" by McKenzie. The examiner states that the McKenzie publication teaches a method for holding together two tissue portions wherein the portions are sewn with barb sutures. The examiner cites page 445, Figure 10, as disclosing the method steps as recited. The examiner also cites page 442, Figure 3, of the McKenzie publication as showing where the suture has been severed.

Claim 9 defines a surgical method for bringing and holding together two tissue portions. The method comprises the step of inserting a surgical needle being a part of a double-armed suture, the exterior barbs oriented in one direction for a first portion of the length of the suture and in the opposite direction for a remaining second portion of the length of the suture, wherein the suture is about 100 microns to about 500 microns in diameter, and the depth of the barbs formed in the suture is about 30 microns to about 100 microns.

McKenzie discloses a suture having a diameter of ten to twelve thousandths of an inch (254 to 305 microns) and a barb height of ten thousandths of an inch (254 microns). McKenzie does not teach or suggest a suture having the dimensions as presently recited in claim 9. In particular, the barb height is more than twice that of Applicant's claimed suture. Since McKenzie fails to show each and every element of the presently claimed invention, McKenzie cannot anticipate claim 9.

With respect to claim 85, the examiner states that nothing in the body of the claim recites a facelift procedure. The examiner states that a path is always selected before suturing begins and a needle is passed through the tissue. The examiner concludes that McKenzie teaches all of the other method steps.

The Applicant respectfully submits that independent claim 85, as amended, patentably distinguishes from McKenzie.

Claim 85 recites, *inter alia*, a surgical method for a facelift operation using a double-armed suture, wherein lines of tissue support are provided along selected paths through the patient's skin and adjacent subcutaneous tissue. The claimed method comprises the steps of selecting one or more paths through the patient's skin and adjacent subcutaneous tissue on which lines of tissue support are desired, pushing the first needle into the tissue below the skin and along the selected path for the desired line of tissue support, and inserting the second needle in an additional selected path through the patient's skin and adjacent subcutaneous tissue for an additional desired line of tissue support.

McKenzie is directed to a suture and method for holding severed tendons together. McKenzie does not teach or suggest a method for a facelift operation, as presently claimed, and, in particular, does not teach or suggest the steps of providing support of skin and adjacent subcutaneous tissue along selected paths using a barbed suture. Since McKenzie fails to show each and every element of the presently claimed invention, McKenzie cannot anticipate claim 85.

The examiner rejected independent claim 16 under 35 U.S.C. 103(a) as being unpatentable over McKenzie. The examiner did not comment on the basis for his rejection.

Applicant respectfully submits that McKenzie does not suggest the invention of claim 16. Claim 16 defines a surgical method for a facelift operation using a one-way suture for supporting skin and adjacent subcutaneous tissue of a patient. The claimed method comprises the steps of placing one-way sutures below the skin at desired lines of tissue support, applying tension to the trailing end of each suture, and securing the trailing end of each suture, in a tensioned condition, such that the desired line of support is placed in tension to provide the desired tissue support.

As discussed above, McKenzie is directed to a suture and method for holding severed tendons together. McKenzie does not suggest a method for a facelift operation as defined by claim 16 and, in particular, does not teach or suggest the steps of providing support of skin and adjacent subcutaneous tissue along selected paths using one-way barbed sutures secured at their ends. The claimed step of tensioning the sutures prior to securing the ends contributes significantly to the goal of providing tissue support. Given the advantages of the claimed method explained in the specification, and the fact that McKenzie fails to show any such method and thus realize the advantages which the Applicant has achieved with his invention, Applicant respectfully submits that claim 16 defines a novel, nonobvious method for performing a facelift operation which is not fairly suggested by McKenzie.

The remaining rejected claims of the present application all depend from claims 9, 16 and 85. In addition to the distinguishing features recited in claims 9, 16 and 85 and discussed above, the claimed methods of the present invention have additional advantageous features defined in the claims depending from claims 9, 16 and 85, which further distinguish the present invention over McKenzie.

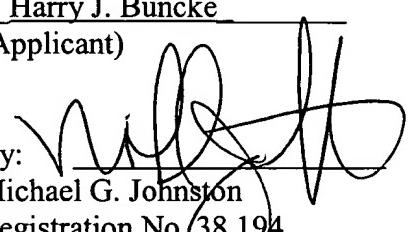
For the foregoing reasons, the Applicant respectfully submits that the methods claimed in the present application are not anticipated nor fairly taught or suggested by McKenzie, either alone or in any reasonable combination suggested by the prior art. Reconsideration and

withdrawal of the rejections and allowance of all of the claims of the present application at an early date are respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

Respectfully submitted,

Harry J. Buncke
(Applicant)

By: 
Michael G. Johnston
Registration No. 38,194
Attorney for Applicant
Moore & Van Allen, PLLC
430 Davis Dr., Suite 500
Morrisville, NC 27560-6832
Phone: 919-286-8000
Facsimile: 919-286-8199

Date: 6-23-06